



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 20, 2003, 8:00 p.m.**

MEETING

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Jimenez.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,
Rodriguez, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: None

PROCLAMATION: May 18 – 24 as Emergency Medical Services Week

Mayor Cooper urged all residents and visitors to Hayward to recognize the value and accomplishments of emergency medical service providers. She presented the Proclamation to Fire Chief Larry Arfsten and he invited all to Southland Mall, on Saturday, May 24, from 10 a.m. to 5 p.m. for displays and activities. He noted that 70 percent of calls received require emergency medical services.

PUBLIC COMMENTS

Barbara Swarr thanked the EMS team of the Fire Department for assisting in an emergency involving her mother. She asked for community preservation in her neighborhood and on Main Street where there are orange construction fences on the property, boarded up windows, and broken fences.

In response to her question regarding the waiver of park in-lieu fees, City Manager Armas said any exemption was built into the Ordinance. He indicated that the exemption was taken out with this last action of Council. He said that individual projects would have to be researched to respond to her questions.

Jason Moreno commented on a recall petition for Governor Gray Davis and the signature collecting he and others are doing.

Jim Drake commented on beer and wine licensing. He suggested conditioning it so that real glasses should be used. That way the owner's would be inclined to keep an eye on customers.

CONSENT

Consent Items 3 and 4 were removed for further discussion.

1. Authorization to Submit Application for Safe Routes to Schools Program

Staff report submitted by Deputy Director of Public Works/Engineering Bauman, dated May 20, 2003, was filed.

It was moved by Council Member Ward, seconded by Council Member Rodriquez, and unanimously carried to adopt the following:

Resolution 03-072, "Resolution Authorizing Submission of a Grant Fund Application to the Safe Routes to Schools Program; Committing to Provide the Required Ten Percent Project Matching Funds; and Authorizing the City Manager to Execute Documents"

2. Authorization to Submit Paratransit Plan and Award Paratransit Contract to MV Transportation, Inc.

Staff report submitted by Social Services Planning Manager Korth, dated May 20, 2003, was filed.

It was moved by Council Member Ward, seconded by Council Member Rodriquez, and unanimously carried to adopt the following:

Resolution 03-073, "Resolution Authorizing the City Manager to Negotiate and Award an Agreement with MV Transportation, Inc., to Provide General Paratransit Services for Fiscal Year 2003-04, with the Option to Renew the Contract for up to Two Consecutive Additional Years"

Resolution 03-074, "Resolution Authorizing the City Manager to Enter Into a Four Year Agreement with the Alameda County Transportation Improvement Authority (ACTIA); Submit the FY 2003-04 Annual Paratransit Plan; and Negotiate and Execute All Documents Related to the City's Annual Paratransit Plan"

3. Approval of Contract for Architectural Services for Parking Structure in Municipal Lot No. 2

Staff report submitted by Redevelopment Director Bartlett, dated May 20, 2003, was filed.

Barbara Swarr discussed the fact that there were no public meetings scheduled to discuss this matter before a financial commitment is made.

It was moved by Council/RA Member Hilson, seconded by Council/RA Member Dowling, and unanimously carried to adopt the following:

RA Resolution 03-09, "Resolution Authorizing the Executive Director to Execute a Contract with Watry Design, Inc., to Provide Architectural Services for a Proposed Parking Structure on Municipal Lot No. Two"



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RA Resolution 03-10, "Resolution Amending Resolution RA 02-09, As Amended, the Redevelopment Budget Resolution for Fiscal Year 2002-03, Relating to an Appropriation of Funds From the Agency Fund Balance to the Municipal Parking Lot Two Project"

4. Approval of Activities for Youth in the Harder-Tennyson Area

Staff report submitted City Manager Armas, dated May 20, 2003, was filed.

Council Member Hilson said he was confused regarding the encumbrance scheduled for 2004. He said he was under the impression all budgeting was done only one year at a time.

City Manager Armas explained that what he meant in the report was that absent any action by the Council, the amount of money in category "B" that is not expended would simply go into a fund balance. The term encumbrance simply means to reserve those dollars. It is not to commit to the expenditure of those dollars for any other purpose.

Council Member Henson asked about the coordination of the activities and whether all of the agencies would be supporting the funding. He suggested the oversight of the program should be done by the City of Hayward.

Council Member Dowling discussed the value of the programs.

Council Member Jimenez said he would abstain since he is the Chair of the Boys and Girls Clubs.

It was moved by Council Member Hilson, seconded by Council Member Rodriquez, and unanimously carried, with Council Member Jimenez abstaining, to adopt the following:

Resolution 03-075, "Resolution Authorizing Allocation of Funds for HARD, the Boys and Girls Club and the Eden Youth and Family Center Programs"

HEARINGS

5. Text Change Application PL-2003-0175 - Initiated by the Planning Director - Request for an Amendment to the Zoning Ordinance Relative to Expiration of Discretionary Permits and Miscellaneous Clarifications and Corrections, Including Definition of a Garage, Bedroom, Home Occupation, Household Pets and Livestock

Staff report submitted by Planning Manager Anderly, dated May 20, 2003, was filed.

Planning Manager Anderly enumerated the various proposed changes to refine, re-define and clarify various definitions to the previous ordinance.

Council Member Hilson commented further on the definition of 'bedroom.' He asked about the direct access from the garage.

Planning Manager Anderly said this is the definition of a bedroom, based on the Uniform Building Code.

Council Member Henson discussed parking and avoiding the two-car garage. He commented on the previous amnesty related to garage conversions. He asked whether there are still compliance problems in this regard. He asked about attached canopies and awnings and those that are electronic and retractable.

Planning Manager Anderly said the Department still gets complaints regarding garage conversions, but the ordinance provides for required compliance. In regards to attached canopies and awnings, Ms. Anderly noted that this provision will be included in all zoning districts and would apply to all. She noted that one of the reasons for this requirement is because of fire.

Council Member Ward commented on 'granny units' and parking issues. He asked what consequences there are for building permits that expire.

Planning Manager Anderly responded that Hayward was ahead of the game in requiring a two-car garage. She explained that there is the possibility for one extension after six months of no activity.

City Manager Armas said there will be a review of state law as it relates to second units when the housing element is discussed.

Mayor Cooper opened the public hearing at 8:41 p.m.

Tom Evans discussed parking and garages. He noted that times have changed and many years ago, garages were not even built onto many houses. Today's houses require two-car garages and many of them have become storage areas, bedrooms, and dens. He suggested requiring carports and off-street parking. This would reduce the cost of building a house to make it more affordable. A garage is a burden for many families. He suggested that houses need to be redefined.

Mayor Cooper closed the public hearing at 8:43 p.m.

Council Member Ward discussed the speaker's comments and asked for this to be included in the upcoming housing element discussion.

It was moved by Council Member Hilson, seconded by Council Member Dowling, and unanimously carried to introduce and adopt the following:

Resolution 03-076, "Resolution Adopting the Negative Declaration
and Approving Text Change Application No. PL-2003-0175
Relating to Amendments to the Zoning Ordinance"



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Ordinance 03-___, "An Ordinance Amending Section 10-1.1020, 10-1.1045, 10-1.1115, 10-1.1125, 10-1.2735, 10-1.3255, 10-1.3055, 10-1.3510, 10-1.415 and 10-1.525 of Article One of Chapter 10 of the Hayward Municipal Code"

LEGISLATIVE BUSINESS

6. Approval of Community Promotions Program Funding for 2003-04

Staff report submitted by Budget Administrator Blohm, dated May 20, 2003, was filed.

City Manager Armas made a brief report of the various organizations that submitted proposals for funding to promote the City of Hayward. He noted that with all of the applications from last year, there was \$5,000 left in discretionary funds.

Council Member Jimenez asked whether the City of Hayward is going to penalize the Zucchini Festival for their success by not funding it. It was noted that the Festival was successful and profitable.

Council Member Ward agreed that the Council had reaffirmed the allocation for the prior years, and could divide the \$5,000 among the organizations who were new to the process.

Mayor Cooper opened the public hearing at 8:49 p.m.

Clarice Roberts, President-elect of the Hayward Arts Council, said the arts groups are working together and efforts such as web sites are planned. She said the three organizations have developed a joint membership program.

Tracy Frass, Executive Director of the Hayward Shakespeare at the Plaza, said she appreciated the Council funding the Community Promotions Programs and she also elaborated on the program. She asked for support towards the program. She commented that she is working with the Heritage Festival, which will be held in September, for possibly participating in that program. She noted that the biggest cost for the program is paying the performers. The Festival will be in place of the antiques fair and sponsored by the Historical Society.

Denise Pugh spoke on behalf of the Zucchini Festival. She thanked the Council for the use of the airport property for additional parking. She said this is the first time the Festival has applied for funding. Any further budget reductions would undermine the Festival's interests. She stated that any additional funding could be used for publicity.

Supervisor Gail Steele thanked the Council for the funding for the Volunteer Awards Dinner annually. She said the City support has made a big difference to the success of the Dinner.

Mary Lavelle requested support toward the Lighthouse Community Center. It is a three-year-old, non-profit organization. They would like to sponsor a pride street fair this fall. This effort is to promote the gay-lesbian community.

Council Member Dowling asked whether the event would be threatened if the Council did not fund the needed \$5,000.

Charlene Shores, representing GLOBE, spoke of the significant difference of this event. This could be an event to showcase the community center and to highlight the availability of the center.

Carol Morgan, representing YOSAC, the Youth Orchestra, thanked the Council for supporting the symphonic music program.

Mayor Cooper closed the public hearing at 9:03 p.m.

Mayor Cooper said she would like to see the \$5,000 spent for the Lighthouse Community Center Pride Fair. As to the Shakespeare Festival, it might be better to wait another year to get some corporate sponsors for a more stable program. Hayward has the largest gay and lesbian community outside of San Francisco and she favored providing a quality event.

Council Member Dowling echoed the Mayor's comments. This is a chance to support a vibrant part of the community that has not been sponsored before. He said he is on the Shakespeare Project's Board of Directors. However, with the budget problems there might not be as much funding available at all. He then moved the staff recommendation.

Council Member Henson asked that the representative from the Zucchini Festival Board, Mr. Esi, come to the podium to respond to his questions. Council Member Henson commented that \$20,000 is rather substantial.

Council Member Jimenez asked about the geographical boundaries for advertising, and the number of non-profits that profit from this effort.

Council Member Rodriquez offered to work with both the Shakespeare project and Zucchini Festival. She would be supporting the Mayor's recommendation. She then thanked everyone for coming this evening.

Council Member Hilson, asked for a friendly amendment to give the remaining dollars to the supporters of Veteran's Day Observance. It was accepted by the maker of the motion.

Council Member Ward said he would be seconding the motion, and added that there is a commitment this evening from this Council to achieve their objectives in future years.

Council Member Henson said originally he had wanted to divide the funding, but that would not be addressing the needs for each program. Hayward is such a diverse community that is very different from others and hoped that he would be invited to attend the event. He said the money can be best spent on this event.



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Mayor Cooper suggested that Mr. Esi consider looking at the vendors at the Zucchini Festival, and consider offering more space to local artists.

It was moved by Council Member Dowling, seconded by Council Member Ward, and unanimously carried to adopt the following with the friendly amendment to disburse the remaining dollars towards the memorial event on Veteran's Day:

Resolution 03-077, "Resolution Approving Community Promotions
Program Activity Allocations for Fiscal Year 2003-04"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:25 p.m. Council Member Jimenez noted that this meeting would be adjourned in memory of Helen Weekes who died on Saturday, May 17. Mayor Cooper stated that Mrs. Weekes was an educator in Hayward public schools for more than 25 years. She also served on the board of St. Rose Hospital, and worked arduously for Project Legacy. She was the widow of George Edward Weekes, Jr.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency